

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAWN GIBSON CRAWFORD, mother of
Romeo A. Gibson, deceased,

Plaintiff,

Case No. 13-cv-11551

v.

HONORABLE STEPHEN J. MURPHY, III

STATE OF MICHIGAN POLICE,
JACKSON COUNTY SHERIFF'S
DEPARTMENT JACKSON COUNTY
COURT, BAILIFFS AND OFFICERS, CITY
OF JACKSON POLICE DEPARTMENT,
JACKSON COUNTY PROSECUTORS
OFFICE, PROSECUTOR NICK
MEHALCO, JUDGE THOMAS WILSON,
and ALLGIANCE HEALTH HOSPITAL,

Defendants.

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**ORDER ADOPTING
REPORT AND RECOMMENDATION (document no. 36) AND GRANTING
DEFENDANT MICHIGAN STATE POLICE'S MOTION TO DISMISS (document no. 12)**

In this civil rights case, Plaintiff Dawn Gibson Crawford alleges that numerous governmental and public entities and officials improperly divulged information, assaulted her, and threatened her in the aftermath of son's murder, allegedly in retaliation for a prior lawsuit that she brought in this Court arising out of her husband's death in the Jackson County Jail. The Court referred all pre-trial proceedings to Magistrate Judge Laurie J. Michelson for resolution or recommendation.

On August 30, 2013, the Michigan State Police moved to dismiss the claims against it, the nature of which are unclear, on the basis of Eleventh Amendment immunity. Mot. to Dismiss, ECF No. 12. After the Magistrate Judge issued an order requiring Crawford to respond, she filed an omnibus response to this motion and several of the other still-pending

motions brought by other parties on October 21, 2013. Resp. ECF No. 28. The Michigan State Police replied on November 1, 2013. Reply, ECF No. 33.

On December 18, 2013, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the Michigan State Police’s motion to dismiss be granted because it is entitled to Eleventh Amendment immunity. ECF No. 36.

Civil Rule 72(b) governs review of a magistrate judge’s report and recommendation. De novo review of the magistrate judge’s findings is only required if the parties “serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge’s findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation “de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard”).

Because neither party filed objections to the Report, de novo review of the Report’s conclusions is not required. Having reviewed the Report’s analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report’s findings and grant the Michigan State Police’s motion to dismiss.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 36) is **ADOPTED**.

IT IS FURTHER ORDERED that the Michigan State Police's Motion to Dismiss (document no. 12) is **GRANTED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: January 10, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 10, 2014, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager